

## **REMARKS**

In the Notice of Non-Compliant Amendment, the Examiner indicated that Claim 19 was previously presented on February 25, 2010. Applicant agrees, however, Applicant respectfully submits that the status identifier of “Currently Amended” is correct for Claim 19 since Claim 19 is being amended. Applicant has reviewed the other claims and believes that Claim 27 should be “Previously Presented” and not “New”. As such, Applicant has corrected the status identifier for Claim 27. By this Amendment, Applicant respectfully submits that the Amendment is now in compliance. Applicant resubmits the remarks submitted on September 9, 2010 herebelow.

### **I. SUMMARY OF OFFICE ACTION**

In the Office Action dated April 26, 2010, Claims 19-22 were rejected under 35 U.S.C. §103(a) as being unpatentable over Grimm et al. (U.S. Pat. No. 6,543,712) in view of Lewis et al. (U.S. Pat. No. 4,643,592). Claims 23-26 were rejected under 35 U.S.C. §103(a) as being unpatentable over Grimm and Lewis and further in view of Raimondi (U.S. Pat. No. 3,680,932). Claim 27 was rejected under 35 U.S.C. §103(a) as being unpatentable over Grimm in view of Lewis and further in view of Dede (U.S. Pat. No. 6,135,639).

### **II. APPLICANT’S RESPONSE**

#### **A. Summary of Examiner’s Interview**

On September 1, 2010, a telephonic interview was held wherein the amended claims shown above and the cited prior art were discussed. An agreement was reached that the amendments to the claims overcome the cited prior art. Examiner indicated that an additional search would be conducted to determine allowability of the amended claims. During the interview, Examiner requested correction to the specification by deleting reference to the claims in the body of the specification.

#### **B. Amendments to the Specification**

Applicant requests amendments to the specification to delete reference to Claims 1 and 18 in the body of the specification, as requested by the Examiner.

### C. Claim 19

In the Office Action, Claim 19 was rejected under 35 U.S.C. §103(a) as being unpatentable over Grimmel in view of Lewis. In response, Applicant has amended Claim 19 to recite vibrations damping means comprising a passive oil film bearing of the hydrodynamic type. (Emphasis added). Applicant respectfully directs the examiner's attention to Exhibit A which describes the differences between a hydrostatic bearing and a hydrodynamic bearing. (see page 2 of Fluid Bearing article in Exh. A).

Based on our review of the Lewis reference, the operator or computer increases and decreases the pressure to the oil so that the actual speed of the machine can increase through the various critical speeds. This is explained in the summary of invention section in the Lewis reference. In particular, the pressure of the oil film is based on the sensors and feedback mechanism. Hence, the oil film bearing is active, not passive. Additionally, the Lewis reference also appears to disclose a hydrostatic bearing, not a hydrodynamic bearing. Accordingly, the Lewis reference discloses an active type of oil film bearing.

There is also no motivation to combine the Grimmel and Lewis teachings. In particular, the Grimmel device appears to load the cylindrical section asymmetrically. Figures 2 and 3 of Grimmel show the cylindrical section being loaded on in the downward direction to increase the critical speed of the machine. In Figure 4 OF Grimmel, the same shows an electromagnetic version with magnets disposed around the cylindrical section. However, the specification at col. 2, lns. 4-19 discusses that the pressing device which includes the magnet version applies a vertical downward force (i.e., asymmetrical force). Hence, the magnet version also applies a vertical downward force. The Lewis reference appears to disclose an oil film that is even (i.e., symmetrical) about the shaft. As such, incorporating the teachings of Lewis into the Grimmel device would appear to change the principle of operation of the Grimmel device from asymmetrical loading to symmetrical loading. Under MPEP §2143.01(vi), if the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious.

For the foregoing reasons, Applicant respectfully submits that the cited prior art does not disclose, suggest or make obvious the invention recited in Claim 19. Hence, Claim 19 is believed to be in condition for allowance.

The dependent claims of Claim 19 are also believed to be in condition for allowance for containing additional patentable subject matter and for being dependent upon Claim 19 which is believed to be in condition for allowance.

#### **D. Claims 28 and 31**

Applicant respectfully requests entry of new Claims 28 and 31 which are based on original Claims 3 and 18. Claims 28 and 31 further recite a sensor which provides feedback to the control means. In Grimmel, the same appears to be silent as to how the magnetic force is adjusted. As such, Applicant respectfully submits that the cited prior art does not disclose, suggest or make obvious the invention recited in new Claims 28 and 31. Hence, Claims 28 and 31 are believed to be in condition for allowance.

The dependent claims of Claims 28 are also believed to be in condition for allowance for containing additional patentable subject matter and for being dependent upon Claim 28 which is believed to be in condition for allowance.

### **III. CONCLUSION**

For the foregoing reasons, Applicant respectfully submits that all pending claims are believed to be in condition for allowance. An early notice of allowance is therefore respectfully requested. Should the Examiner have any suggestions for expediting allowance of the above identified application, the Examiner is invited to contact Applicant's representative at the telephone number listed below.

If any additional fee is required, please charge Deposit Account Number 19-4330.

Respectfully submitted,

Date: 10/6/10

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